

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2026-AKL-000153

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of an appeal under clause 14(1) of Schedule 1 of the
RMA
BETWEEN **KIWI FRESH ORANGE COMPANY LIMITED**
Appellant
AND **FAR NORTH DISTRICT COUNCIL**
Respondent

**MEMORANDUM OF COUNSEL ON BEHALF OF KIWI FRESH ORANGE
COMPANY LIMITED**

25 August 2026

Appellant's Solicitor
PO Box 2401 AUCKLAND 1140
Tel +64 9 300 2600
Fax +64 9 300 2609

WYNN WILLIAMS

Solicitor: Mike Doesburg
(mike.doesburg@wynnwilliams.co.nz)

MAY IT PLEASE THE COURT

- 1 Kiwi Fresh Orange Company Limited (**KFO**) filed a notice of appeal against the Far North District Council's (**Council**) decision on the Proposed Far North Plan (**PDP**) on 12 August 2026.
- 2 Among other things, KFO appealed the Council's decision to rezone central Kerikeri to provide for housing intensification, including:
 - (a) rezoning land from General Residential Zone to Medium Density Residential Zone, as shown in Appendix 2 of the Hearings Panel's Recommendation Report 15D; and
 - (b) rezoning 23 Aranga Road from Rural Residential Zone to General Residential Zone.
- 3 Following discussions with counsel for Smartlife Trust, the owner of 23 Aranga Road, KFO now abandons the part of its appeal that challenges the Council's decision to rezone 23 Aranga Road from Rural Residential Zone to General Residential Zone.
- 4 This memorandum gives the Court, the Council, and persons who were served with KFO's appeal notice of the partial abandonment.
- 5 The parts of KFO's appeal that are abandoned are as follows:
 - (a) paragraph 6(a)(ii) of the notice of appeal; and
 - (b) rezoning 23 Aranga Road from Rural Residential Zone to General Residential Zone in Annexure A (appeal point 1, part of the decision appealed).
- 6 For the avoidance of doubt, KFO maintains all other aspects of its appeal.
- 7 KFO does not request specific directions from the Court, but respectfully requests that this memorandum is placed on the Court file as a record of the partial abandonment.

DATED this 25th day of August 2026



.....
Mike Doesburg

Counsel for Kiwi Fresh Orange Company Limited